

UNITED STATES DISTRICT COURT  
Fourth Division - District of Minnesota

UNITED STATES OF AMERICA

v.

Case Number CR 4-93-166(9)

CARLOS VIGNALI, JR.  
Defendant.

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

The defendant, CARLOS VIGNALI, JR., was represented by Daniel G. Davis and Ronald I. Meshbesh.

The defendant was found guilty on counts 1, 16 and 34 of the superseding indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such counts, involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 846	Conspiring to Distribute Cocaine		1
18 USC 1952(b)	Using Facilities in Interstate Commerce With the Intent to Promote A Business Enterprise Involving Narcotics		16
18 USC 843(b)	Illegal Use of Communication Facility to Facilitate the Commission of a Controlled Substance		34

As pronounced on July 17, 1995, the defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 150.00, for counts 1, 16 and 34 of the superseding indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Dated: July 17, 1995

  
David S. Doty  
United States District Judge

A true copy in \_\_\_\_\_ sheet(s)  
of the record in my custody.

CERTIFIED \_\_\_\_\_, 19 \_\_\_\_\_

Francis E. Dosaker, Clerk

FILED

7-17-95  
FRANCIS E. DOSAKER, CLERK

JUDGMENT ENTERED

DEPUTY CLERK 

EXHIBIT

3

1449

Defendant: CARLOS VIGNALI, JR.  
 Number: CR 4-93-166(9)

# IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 11 months under Count 1, a concurrent sentence of 60 months under Count 16 and a concurrent sentence of 48 months under Count 34.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be incarcerated at [blank], California.

The defendant is remanded to the custody of the United States Marshal.

# RETURN

have executed this Judgment as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ with a certified copy of this Judgment.

By \_\_\_\_\_  
 United States Marshal  
 Deputy Marshal

Defendant: CARLOS VIGNALI, JR.  
 Case Number: CR 4-93-166(9)

### SUPERVISED RELEASE

Upon release from Imprisonment, the defendant shall be on supervised release for a term of 5 years under Count 1; concurrent term of 3 years under Count 16; and a concurrent term of 1 year under Count 34.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

Ordered to the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

The defendant shall not own or possess a firearm or destructive device.

The defendant shall, at the direction of the U.S. Probation Office, participate in and complete a program approved by that office for urinalysis testing and treatment of chemical dependency.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- The defendant shall not leave the judicial district without the permission of the court or probation officer.
- The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- The defendant shall support his or her dependents and meet other family responsibilities.
- The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- Directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with each notification requirement.

ant: CARLOS VIGNALI, JR.  
Number: CR 4-93-166(9)

# STATEMENT OF REASONS

he court adopts the factual findings and guideline application in the presentence report except see attachment.

## Guideline Range Determined by the Court:

Offense Level:	34
Criminal History Category:	I
Sentence Range:	151 months to 188 months
Minimum Release Range:	At least 5 years
Fine Range:	\$ 250,000 to \$ 4,000,000
Restitution:	\$ N/A

he fine is waived or is below the guideline range because of the defendant's inability to pay due to his lack of assets pending incarceration. Defendant will not be ordered to pay the costs of his incarceration or supervised release.

he sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: Defendant's offense level was not adjusted based on his role in the offense, his role as a supplier of drugs tends to make him more culpable and warrants a sentence in the upper end of the guideline range.

## **I. FINDINGS OF FACT**

The court adopts the factual statements contained in the PSR as to which there is no objection. Defendant objects to paragraphs 42 and 68 of the PSR.

Paragraph 42 states that Dale Evans made arrangements with Jonathan Gray and defendant to have a package of cocaine sent to Todd Hopson's relative at 4646 Penkew in Eagan, Minnesota. Evans testified about defendant's participation in the transaction. Defendant contends the testimony of Evans is not reliable and therefore is insufficient to support the finding contained in the PSR. The evidence at trial also included conversations between Evans and defendant which were intercepted by a wiretap. Evans' testimony concerning defendant's involvement in the transaction is corroborated by a series of conversations which occurred on October 20 and 21, 1993. The court finds the testimony of Evans, as corroborated by other evidence, is sufficiently credible to establish that defendant was a knowing and willing participant in the shipment of cocaine to Minnesota on October 20, 1993.

Paragraph 68 states that in late October Hopson traveled to California and Evans arranged for Hopson to purchase 3 kilograms of cocaine from Vignali. The information in paragraph 68 is based on Evans' testimony at trial. There are no taped conversations that correspond with the cocaine deal Evans said he arranged between Hopson and Vignali. The transaction was corroborated by the testimony of Ronald Nunn who, although not present during the actual deal, traveled to California with Hopson and received some of the drugs back in Minnesota. The court finds that the testimony of Evans, as corroborated by Nunn, is sufficiently credible to establish that defendant participated in the drug transaction described in paragraph 68 of the PSR.

It is proper to note that in finding the evidence suffices to show that defendant participated in the transactions described in paragraphs 42 and 68, the court has not yet addressed the amount of cocaine attributable to defendant by way of those transactions.

## **II. APPLICATION OF GUIDELINES TO FACTS**

The court adopts the guideline calculations contained in the PSR as to which there is no objection. A question of guideline application has arisen with respect to the conclusions contained in paragraphs 105, 109 and 112 of the PSR. The court resolves the questions as follows:

### **1. Quantity of Drugs**

Defendant objects to the calculation of the base offense level in paragraph 109 of the PSR. Paragraph 109 holds defendant responsible for conspiring to distribute between 15 and 50 kilograms of cocaine. Based on that quantity of cocaine the base offense level is 34. Defendant argues that the drug calculation contained in the PSR is based on the unreliable and unsupported testimony of Evans. Defendant contends the amount of cocaine attributable to him is between 5 and 15 kilograms and, therefore, his base offense level is 32. The government responds that the evidence is sufficient to hold defendant accountable for the distribution of at least 15 but less than 50 kilograms of cocaine.

Defendant contends that he should not be held accountable for the six kilograms of cocaine involved in the transaction described in Count 10 of the indictment. Defendant claims that the evidence fails to show that he knowingly participated in the transaction and points out that the jury acquitted him on Count 10. It is well established that a verdict of acquittal only demonstrates lack of proof beyond a reasonable doubt and does not necessarily establish innocence of the crime charged. United States v. Olderbak, 961 F.2d 756, 764 (8th Cir. 1992). The facts underlying an acquittal may be considered by the court for sentencing purposes when those facts appear to be sufficiently reliable. Id. The court finds the testimony of Evans to be sufficiently credible to establish that defendant was a knowing and willing participant in the shipment of cocaine to Minnesota on October 20, 1993.

Under the Guidelines, a defendant's base offense level for drug-related crimes is calculated according to the quantity of controlled substance attributable to the defendant. § 2D1.1. The amount of drugs attributable to the defendant is a question of fact committed to the district court. Because the government only seized one shipment of cocaine, the court must approximate the amount of drugs attributable to defendant. The government relies on Evans' testimony to establish the amount of drugs attributable to defendant.

Evans testified that he met Vignali through Jonathan Gray sometime in 1993. Evans said he obtained cocaine from Gray in 1993; Evans believed that Gray obtained the cocaine from Vignali. Evans also said that Vignali may have been the source of two packages of cocaine sent to Minnesota in October 1993. The packages arrived in Minnesota on October 21 and October 28, 1993. The second package was seized by law enforcement authorities and was found to contain 6 kilograms of cocaine. At trial Evans testified that the first package also contained 6 kilograms of cocaine. On at least two other occasions, however, Evans stated the package contained only 4 kilograms of cocaine. Evans also testified that Todd Hopson traveled to California and Evans arranged for Hopson to purchase 3 kilograms of cocaine from Vignali for \$70,000. In an interview with federal agents, however, Evans said that Hopson bought 2 kilograms from Vignali for \$36,000 to \$38,000.

Defense counsel ably illuminated the inconsistent statements made by Evans during a lengthy and thorough cross-examination. The court has already found that, on balance, the testimony of Evans to be sufficiently credible to establish that defendant was a knowing participant in the distribution of cocaine. With respect to the quantity of drugs, however, the testimony of Evans has not been shown to be as reliable. Evans admitted at trial that he had little independent recollection of particular drug transactions and that his memory was refreshed by conversations captured on the wiretap. The conversations, however, provide little corroboration as to the quantity of drugs involved in particular transactions. There are no drug notes or other records to offer any guidance. After reviewing all of the evidence concerning the amount of

cocaine distributed by defendant, the court finds that defendant may properly be held accountable for the distribution of between 5 and 15 kilograms of cocaine. Accordingly, the court concludes that the appropriate base offense level is 32 rather than 34 as stated in paragraph 109 of the PSR.

## **2. Obstruction of Justice**

Defendant objects to paragraph 105 of the PSR which increases his offense level by 2 points for obstruction of justice. Section 3C1.1 of the Guidelines provides for a 2 point increase "[i]f the defendant willfully obstructed or impeded or attempted to obstruct or impede, the administration of justice during the investigation, prosecution, or sentencing of the instant offense." The PSR states that the enhancement was applied because "[t]he government advised the defendant committed perjury at trial." Defendant claims that conclusion fails to support an enhancement under § 3C1.1. While the reason set forth in the PSR is deficient, the court finds that the enhancement was correctly applied in this case.

It is well established that a defendant's sentence may be enhanced if the court finds he committed perjury at trial. It is not sufficient to enhance a sentence simply because a defendant testifies in his own behalf and the jury disbelieves him. Rather, the court itself must find that the defendant committed perjury. In deciding the issue of perjury, the court takes the alleged false testimony in a light most favorable to the defendant. Even under this standard, it is clear that defendant committed perjury.

At trial Vignali acknowledged that he knew Evans and Gray but maintained that he never discussed drug transactions with them. Vignali said Gray approached him about providing money to invest in a business deal with professional basketball players associated with Evans and Vignali agreed on two occasions in October 1993. Vignali denied knowingly participating in any cocaine transactions. Vignali claimed that his statements recorded on the wiretap were designed to get back money he loaned to Evans and Gray.

After reviewing all of the evidence concerning defendant's involvement in the distribution of cocaine and defendant's testimony, the court finds that defendant committed perjury by denying any knowing involvement in the drug conspiracy. In the court's view, defendant gave knowingly false testimony at trial when he testified he was not involved in the distribution of cocaine. The court concludes that paragraph 105 properly applied an enhancement for obstruction of justice based on defendant's perjury at trial.

## **3. Role in the Offense**

Defendant objects to paragraph 112 of the PSR which characterizes him as an "organizer, leader, manager, or supervisor" of the conspiracy charged in the indictment and, pursuant to § 3B1.1(c) of the Guidelines, adds 2 levels to his offense level. The PSR states the enhancement is warranted because defendant "supplied Gerald Williams and Todd Hopson with multi-kilograms of cocaine in Minnesota." The government responds that defendant's offense level was properly increased under § 3B1.1(c) of the Guidelines. In determining whether the defendant deserves an

enhancement under § 3B1.1(c), the court examines the nature of his role in the offense, the exercise of decision making authority, his recruitment of accomplices, the receipt of a larger share of the fruits of the crime, the extent of his involvement in planning or organizing the offense, and the nature and scope of the illegal activity. Application Note 3, § 3B1.1.

The application of § 3B1.1 requires some differentiation in both the relative culpabilities and roles of participants in a crime. To be an organizer, leader, manager, or supervisor, the defendant must have exercised some degree of control over others in the conspiracy or organized others for the purpose of carrying out the crime. Defendant directly participated in criminal activities with Dale Evans, Jonathan Gray, Gerald Williams and Todd Hopson. Defendant did not recruit those persons to the conspiracy and the evidence fails to establish that defendant exercised any control over them. Rather, the evidence suggests that Evans exercised authority over defendant.

The government contends that defendant controlled the amount of cocaine to be shipped, exercised decision making authority over the price and quantity of cocaine and shared a large part of the fruits of the criminal conspiracy. The evidence, however, does not support those contentions. The evidence fails to show that defendant organized or led others involved in the conspiracy. While defendant participated in sending packages of cocaine to Minnesota there is no evidence to suggest that he orchestrated the shipments. There is evidence that defendant may have decided to quit fronting cocaine to Gerald Williams. The court considers the evidence ambiguous, however, as to whether defendant or Evans had the authority to make that decision.

The court finds that the evidence does not support a 2 level enhancement based on the role defendant played in the conspiracy. The evidence fails to establish that defendant exercised control over others in the conspiracy or organized others for the purpose of carrying out the crime. Accordingly, the court concludes that paragraph 112 of the PSR erroneously added 2 levels to defendant's offense level under § 3B1.1(c).



REPORT TO THE PRESIDENT  
ON PROPOSED DENIAL OF EXECUTIVE CLEMENCY FOR  
CARLOS ANIBAL VIGNALI, JR.

Offense:

Conspiracy to distribute cocaine; using facilities in interstate commerce with intent to promote a business enterprise involving narcotics; illegal use of communication facility to facilitate commission of a controlled substance offense.

Sentence:

175 months' imprisonment; five years' supervised release.

Date:

July 17, 1995.

District:

Minnesota.

Relief sought:

Commutation.

Summary of essential facts:

From the mid-1980's to November 1993, Gerald Williams operated a major powder and crack cocaine distribution organization in the Minneapolis/St. Paul area. Beginning in 1992, Williams' main source of supply was California resident Dale Evans, who, in early 1993, began obtaining his cocaine from petitioner and another co-conspirator. Law enforcement authorities conducted a six-month wiretapping investigation, which intercepted conversations among petitioner, Evans, Williams, and others, discussing shipments of cocaine to Minnesota. One of those shipments, which contained six kilograms of the cocaine, was intercepted by postal inspectors in October 1993. During that same month, petitioner also sold three kilograms of cocaine to another major Minnesota distributor, Todd Hopson, who cooked the powder into crack for sale.

In December 1993, the government filed a 34-count superseding indictment, charging petitioner and 30 codefendants with various offenses in connection with the trafficking conspiracy. Petitioner was the sole Hispanic defendant; all of the others were African-American.<sup>1</sup> Most pleaded guilty; only petitioner and three others went to trial. The jury convicted petitioner of conspiracy and two substantive counts, while acquitting him of a third substantive count.

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<sup>1</sup>Petitioner's defense counsel used this fact to argue his client's innocence to the jury, characterizing the case as involving a "black drug dealing network," and emphasizing that petitioner was not black.

The presentence report recommended that petitioner receive a two-level enhancement for role in the offense, as well as a two-level enhancement for obstruction of justice due to his commission of perjury during his trial testimony, which would have resulted in a sentencing range of 235-293 months' imprisonment. The sentencing court declined to follow either recommendation, reducing the range to 151-188 months, but imposed a sentence of 175 months after finding that petitioner's "role as a supplier of cocaine tends to make him more culpable and warrants a sentence in the upper end of the guideline range."

The Eighth Circuit affirmed petitioner's conviction, rejecting *inter alia* petitioner's claims of improper joinder and "vouching" by the prosecution for the credibility of its witnesses. The appellate court agreed with the district court that "there was considerable evidence of Vignali's guilt." Petitioner then filed a motion pursuant to 28 U.S.C. 2255, collaterally attacking his conviction on the grounds of ineffective assistance of counsel, which was denied by the district court. The Eighth Circuit refused his request for a certificate of appealability of the court's ruling.

Petitioner has two 1989 convictions, for fighting in a public place, for which he received a \$189 fine, and vandalism, for which he received 12 months probation. The conduct on which the latter conviction was based appears to have been associated with his admitted membership in the "West Covina Mob," a Los Angeles gang. He also has a 1988 arrest for reckless driving (disposition unknown) and a 1990 arrest for inflicting corporal injury on a spouse or cohabitant (case dismissed).

#### Grounds for clemency:

Now 28 years old and projected for release in April 2007, petitioner seeks clemency primarily on the grounds of innocence, maintaining that his \$25,000 loan to a friend was misconstrued as a drug deal. He argues that he was convicted solely on the basis of "misinterpreted" recorded telephone conversations and the "highly rewarded" testimony of a co-conspirator. He also complains that he had no prior contact with the state of Minnesota and that he was acquainted with only two of his 29 co-defendants. Finally, he contends that the 175-month sentence "for a 21 year old, first time, nonviolent offender with no significant prior record is unwarranted."<sup>3</sup>

Two United States congressmen from California have expressed interest in petitioner's case. Congressman Estaban E. Torres wrote in support of clemency for petitioner on the grounds he had "no prior criminal record" and that the government had failed to prove its case:

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<sup>3</sup>Petitioner did not disclose these arrests on his commutation petition, although the application form requires such disclosure.

<sup>3</sup>It should be noted that petitioner was 24 years old at sentencing and 22 years old at the time of most of the conduct for which he was convicted.

Neither drugs nor drug money was found in Carlos's possession. Carlos had simply loaned money to a friend, who happened to be involved in the sale of narcotics. At trial, the evidence offered against Carlos was misinterpreted telephone recordings between Carlos and his friend and the testimony of another alleged co-conspirator, who had negotiated a reduced sentence in exchange for his testimony.

Congressman Xavier Becerra telephoned the Office of the Pardon Attorney in connection with petitioner's application and requested an explanation of clemency procedures.

Official comments:

United States Attorney B. Todd Jones strongly opposes clemency for petitioner, noting that petitioner's persistent claims of innocence are undermined by strength of the evidence presented against him:

Th[e] testimony [of the cooperating coconspirators] was consistent and independently corroborated by the Title III wiretap interceptions, search warrant evidence and police surveillance. The evidence clearly established that Carlos Vignali, Jr. was a member of the charged drug conspiracy and facilitated the distribution of narcotics in the Twin Cities by supplying Evans, Williams and Hopson with substantial quantities of cocaine from Los Angeles, California.

Mr. Jones noted that the two main cooperating coconspirators, Williams and Evans, received sentences of 180 months and 95 months respectively. He concluded by stating:

The sentence imposed by Judge Doty reflects the seriousness of the defendant's role in a large scale narcotics conspiracy as the California source of cocaine to Evans, Williams, and Hopson. To my knowledge Vignali has refused to accept personal responsibility for his criminal activities and has never expressed sincere remorse for his conduct. In light of the exacting standards generally applicable in pardon cases, this case does not warrant such a commutation.

Reasons for denial:

In applying for clemency, petitioner has to a large degree merely recycled arguments already rejected by the jury and the courts. He continues to deny his guilt, and his petition contains misleading statements and misstatements of fact. As for his allegation that he has no connection to Minnesota, the jury convicted him of the offense of supplying large quantities of cocaine to distributors in that state. Moreover, his contention that his sentence is excessive fails in light of the sentencing record, which establishes that the district court accorded him leniency in refusing to adopt two enhancements recommended by the presentence report. For all these reasons, I recommend that you deny his petition.

Respectfully submitted,

Roger C. Adams

Paralegal Attorney

Date: 1/12/01

Need to XC  
for Bruce.

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Definitely isn't  
simply making  
a loan -  
do we believe  
the gang thing?

USA is actually  
against —

Maybe we  
should call.  
the recs we've  
been told of.

TUNE: (916) 445-0703  
STRICT OFFICE  
0 NORTH AVENUE 56  
S ANGELES, CA 90042  
TONE: (213) 255-7079

# California Legislature

ANTONIO R. VILLARAIGOSA

ASSEMBLYMEMBER, FORTY-FIFTH DISTRICT

PUBLIC SAFETY  
MEMBER:  
APPROPRIATIONS  
INSURANCE  
LABOR  
REVENUE AND TAXATION

May 24, 1996

Pardon Secretary  
The White House  
Washington, D.C. 20500

Dear Mr. Secretary:

I am writing to ask you to consider the case of Mr. Carlos Vignali, Jr. currently pending before the Eighth Circuit of the U.S. Court of Appeals.

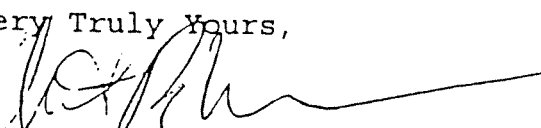
After reviewing Mr. Vignali's case, I am convinced that he has been falsely linked to a drug ring in Minneapolis, MN, and that his conviction is a product of "guilt by association," among other factors. Mr. Vignali's petition to the court also alleges several crucial District Court errors which are pertinent to his case, including exclusion of important evidence, an allegation of jury misconduct and one of witness perjury.

Mr. Vignali has no prior criminal record nor has he previously been suspected of illegal possession or sale of drugs. He is a hard-working young man who has been employed with the family business and is also part owner of a record production company. His military academy schooling adds to his superior resumé.

In the interest of justice I urge you to give Mr. Vignali's case prompt and thorough consideration.

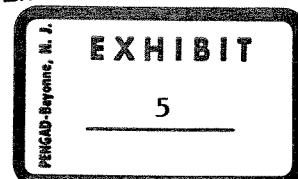
Thank you for your attention.

Very Truly Yours,

  
ANTONIO R. VILLARAIGOSA  
Assemblymember, 45th District

ARV/jb

CLINTON LIBRARY





**RICHARD ALATORRE**  
COUNCILMAN  
FOURTEENTH DISTRICT

May 28, 1996

Pardon Secretary  
The White House  
Washington, D. C. 20500

Dear Mr. Secretary:

I am requesting a presidential review and closer examination of the facts surrounding the case of United States of America v. Carlos Vignali, Jr. This case is currently pending before the United States Court of Appeals for the Eighth Circuit.

Mr. Vignali is presently serving a 15 year sentence for his alleged involvement in a conspiracy to sell narcotics along with other individuals with whom he was loosely connected. Prior to his conviction, Mr. Vignali neither had a criminal record nor had been suspected of possessing or selling illegal drugs. Considering these facts, it is difficult for me to understand why Mr. Vignali received such an exorbitant sentence. It has been pointed out that this may have been due to the fact that his case was grouped together with a much larger case involving the sale of drugs. Others contend that it may have been because of his Latino background, which I hope is not the case.

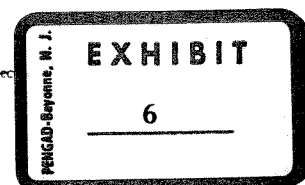
These circumstances notwithstanding, I understand that Mr. Vignali may not have been afforded due process during his trial. I have learned there was potential juror misconduct and witness perjury. Also, because hearsay was improperly admitted during the trial Mr. Vignali consequently suffered from being associated with other people who were found guilty during the trial. For these, as well as other compelling reasons, Mr. Vignali is appealing his case to a higher court.

I believe justice will be served by your careful evaluation of the facts of this case.

Sincerely,

RICHARD ALATORRE

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PHOTOCOPY





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California Legislature

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SUITE 8710  
LOS ANGELES, CA 90013  
(213) 620-2529  
FAX: (213) 617-0077

SENATOR  
RICHARD G. POLANCO  
TWENTY-SECOND SENATORIAL DISTRICT

CHAIR:  
DEMOCRATIC CAUCUS  
ELECTIONS & REAPPORTIONMENT

July 22, 1996

Pardon Secretary  
The White House  
Washington D.C. 20500

Dear Mr. Secretary:

I have reviewed the facts in the case of Carlos Vignali Jr., and in the interest of justice I forward this letter.

This matter is being appealed in the U.S. Eighth Circuit Court of Appeals. The appeal is based on the issues of juror misconduct, improper jury instruction, witness perjury, improper admission of hearsay evidence, improper exclusion of exculpatory evidence.

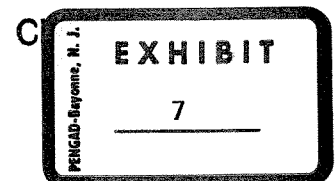
Mr. Vignali's conviction was based on the allegation that he conspired with others to sell and traffic drugs. His case was not individually tried before a jury of his peers. Consequently, Mr. Vignali a 24 year old with no prior criminal record received a 15 year sentence.

In the interest of justice I am asking that you carefully review Mr. Vignali's case and give this matter your every consideration. I believe justice will be served by your evaluation of the facts of this case. Please feel free to contact me should you have any questions.

Thank you for your consideration.

Sincerely,

Richard G. Polanco  
State Senator, 22nd District





# COPY

Archdiocese of Los Angeles

Office of  
the Archbishop  
(213) 251-3288

1531  
West Ninth  
Street

Los Angeles  
California  
90015-1194

July 26, 1996

Pardon Secretary  
The White House  
Washington, DC 20500

Dear Mr. Secretary:

I am writing in reference to the case of **The United States of America v. Carlos VIGNALI, Jr.**

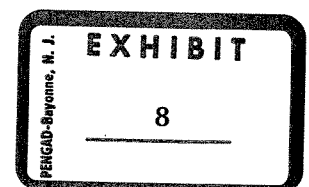
Let me state at the outset that I have never met Mr. Carlos Vignali, Jr., personally, nor do I know his family personally.

However, I am well aware of the outstanding contributions which the Vignali Family have made to all of Southern California over the years, and the great care and concern which they have shown the community through their active involvement in so many projects to better our greater community.

In addition, I know very well--and trust greatly--several of our local Legislators who have already written to you. In particular, I have great respect for the judgement and the leadership of **Congressman Esteban E. Torres** [34th District, California], **State Senator Richard G. Polanco** [22nd Senatorial District, California], **Assemblymember Antonio R. Villaraigosa** [45th Assembly District, California], and **Councilmember Richard Alatorre** [14th District, City of Los Angeles, California].

These outstanding Legislators have all reviewed this case very carefully, and each one has concluded that the facts in this case merit a full evaluation and review of the process of the case, the special circumstances involved, and the major sentence imposed upon Carlos Vignali, Jr.

Based upon the recommendation of the four outstanding Legislators noted above, I now wish to add my voice recommending that all of the process, the law, and the facts in this case be reviewed fully to determine if justice has been achieved in the case of Mr. Carlos Vignali, Jr.

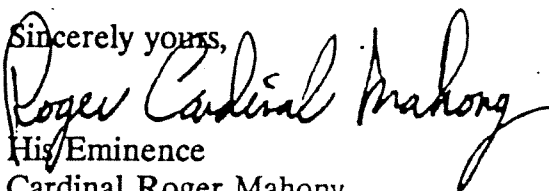




I am grateful to you for taking the time to review this case and to make certain that complete and adequate justice has been rendered.

With kindest personal regards, I am

Sincerely yours,

+ 

His Eminence

Cardinal Roger Mahony

Archbishop of Los Angeles

j

DEPUTY DEMOCRATIC WHIP  
COMMITTEE ON  
APPROPRIATIONS  
SUBCOMMITTEE:  
MILITARY CONSTRUCTION

FOREIGN OPERATIONS, EFFORT FINANCING,  
AND RELATED PROGRAMS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0534**

**ESTEBAN E. TORRES**  
34TH DISTRICT, CALIFORNIA

July 3, 1996

WASHINGTON OFFICE  
2348 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6034  
(202) 825-5256

DISTRICT OFFICE:  
8675 WHITTIER BOULEVARD  
SUITE 101  
PICO RIVERA, CA 90800  
(310) 686-0702

LA PUENTE, VALINDA, INDUSTRY,  
HACIENDA HEIGHTS AND BASSETT  
(PHONE ONLY)  
(714) 361-3878

MONTEBELLO, EAST LOS ANGELES  
(PHONE ONLY)  
(213) 720-1904

CLINTON LIBRARY  
PHOTOCOPY

Honorable Janet Reno  
Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Ms. Reno:

Recently, I had the opportunity to review the case of Carlos Vignali, Jr., a young man who has been convicted of drug possession and the illegal sale of drug narcotics. Currently Mr. Vignali's conviction is on appeal before the United States Court of Appeals for the Eighth Circuit.

According to information I have reviewed, Mr. Vignali's conviction was based on allegations that he conspired with other individuals involved in the selling and trafficking drugs. Because of this alleged involvement, Mr. Vignali received a 15 year sentence. His case was not individually tried before a jury of his peers.

Mr. Vignali is a 24 year old with no prior criminal record and he has never been suspected of selling or trafficking narcotics. He is a hard working individual who has been integral member of his family's successful business and is a part owner of a record production company.

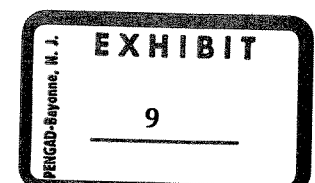
His appeal before the Eighth Circuit is based on the following reasons: juror misconduct; improper jury instructions; witness perjury; improper admission of hearsay evidence; improper exclusion of exculpatory evidence.

I am asking that you carefully review Mr. Vignali's case and give this matter your every consideration. If you have any questions, please feel free to contact me. Thank you for your kind attention and I look forward to hearing from you.

Sincerely,

ESTEBAN E. TORRES  
Member of Congress

REPRESENTING: BASSETT, EAST LOS ANGELES, HACIENDA HEIGHTS, INDUSTRY, LA PUENTE, LOS NIETOS, MONTEBELLO,  
NORWALK, PICO RIVERA, ROSENDALE, SOUTH SAN GABRIEL, SANTA FE SPRINGS, VALINDA AND WHITTIER  
THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS



# PETITION FOR COMMUTATION OF SENTENCE

*Print or type legibly*

Relief sought: (check one)

☒ Reduction of Prison Sentence Only

☐ Reduction of Prison Sentence and Remission of Fine

☐ Remission of Fine Only

☐ Other \_\_\_\_\_

TO THE PRESIDENT OF THE UNITED STATES:

PETITIONER, CARLOS ANIBAL VIGNALI, a Federal prisoner.

Reg. No. [REDACTED], confined in the Federal Institution at FCI Safford, Arizona.

in seeking a commutation of sentence, states that he was born on May 30, 1971,

and has Social Security No. [REDACTED]. ☒ He is a United States citizen. Indicate country of citizenship: \_\_\_\_\_

PETITIONER was convicted on a plea of not guilty in the United States District Court  
plea, not plea, with conviction Count One  
for the Minnesota District of Minnesota of the crime of: Conspiring

to manufacture, possess, and distribute cocaine (21 U.S.C. § 846):

Wherein the contents of which this word contained provide addition of sentence, if shown.

Count 16: aiding and abetting the use of a facility in interstate

commerce with intent to distribute cocaine (18 U.S.C. §§ 2, 2952(a);

Count 34: aiding and abetting the use of communications facilities

for the commission of felonies (18 U.S.C. §§ 2, 843(b)). Acquitted on  
involving the following circumstances: Court 13

Vignali loaned \$25,000 to a friend, which were interpreted through  
slang taped telephone conversations to involve purchases of drugs.

No drugs were seized from Vignali, and he was convicted solely on

the testimony of a codefendant who received leniency. The taped

conversations did not mention either drugs or money but were in-

terpreted to have those subjects. Vignali was tried in Minnesota

where he had never been or had any significant contact with.

and was sentenced on July 17, 1995, to imprisonment for 17 1/2 months

and/or to pay a (☐ fine ☐ restitution) of \$ \_\_\_\_\_ and/or to supervised release or special

parole for 5 years and/or to probation for \_\_\_\_\_

My (☐ fine ☐ restitution) (☐ has ☐ has not) been paid: the balance owed is \$ \_\_\_\_\_

PETITIONER began the service of his sentence on December 12 1994. He will be released

from confinement on August 21, 2007. If eligible for parole, he (☐ was ☐ will be) \_\_\_\_\_

on \_\_\_\_\_, and his application for parole was (☐ granted ☐ denied).

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EXHIBIT

10

PENGAD-Bayonne, N. J.

PETITIONER appealed to the United States Court of Appeals, where the judgment was affirmed on October 1, 1996. A petition for a writ of certiorari (☐ was ☒ was not) sought from the Supreme Court, and (☐ granted ☐ denied) on \_\_\_\_\_, 19\_\_\_\_. Petitioner (☒ did ☐ did not) challenge his conviction or sentence under 28 U.S.C. §2255 (habeas corpus). (Provide citations to court opinions, if known: United States v. Williams, 97 F.3d 240 (8th Cir.1996))

In this paragraph, list every arrest, either as a juvenile or an adult, whether or not resulting in a conviction. For each incident list date, nature of offense charged, law enforcement authority involved, location, and disposition, if known.

PETITIONER'S criminal record, other than the instant offense, is as follows:

Unruly conduct 7/29/89 paid \$183 fine - no incarceration

Valdais 8/5/89; 12 months probation and 82 hours of community service, all completed.

PETITIONER respectfully prays that he be granted clemency for the following reasons: \_\_\_\_\_

The sentence of 175 months for a 21 year old, first time, nonviolent offender with no significant prior record is unwarranted. Based solely

on a \$25,000 loan to a friend, falsely interpreted telephone recordings, and a codefendant's highly rewarded testimony, the punishment does not fit the crime as proved. The concept of holding minor players

responsible for any and all drugs of a conspiracy, irregardless of whether that minor play had any knowledge or nexus with those drugs, undermines the concept of fairness. No drugs were introduced at trial

as to Vignali, who never visited Minneapolis where the case was tried yet he was held responsible for the drugs involved in a 30 defendant conspiracy, when he knew, at best, two people. By the end of 1998,

Vignali will have served, with good time, almost five years, which is the mandatory minimum for the drugs which could have been bought with his  
*The statements contained herein are true to the best of my knowledge and belief, and I understand that any misstatements of material fact contained herein may subject me to criminal prosecution and/or court adverse action on my petition for executive clemency.*  
loan.

Date \_\_\_\_\_

/S/  
Signature of Petitioner

If space is insufficient, additional pages may be added. Letters and/or other supporting material may be submitted with petition.

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U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

OCT 14 1998

The Honorable Xavier Becerra  
U.S. House of Representatives  
Washington, D.C. 20515

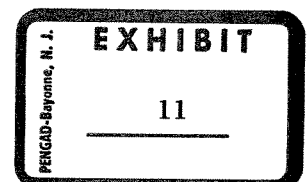
Dear Congressman Becerra:

This follows up our telephone conversation of October 13, 1998, during which you asked me to advise you of the procedures followed by the Office of the Pardon Attorney (OPA) in the investigation and consideration of commutation petitions.

Commutation is a restricted form of clemency. It may reduce the number of years of a sentence, frequently to time already served, or, in cases still subject to parole laws, accelerate a petitioner's eligibility for parole consideration. Commutation in no way implies forgiveness of the underlying offense, but is simply a remission of some portion of the punishment. Eligibility for commutation ordinarily depends upon the unavailability of any other form of relief, such as direct appeal or collateral attack.

In commutation cases, typically we obtain and review the presentence report, judgment, most recent prison progress report, and the court decisions in the applicant's case, if any. In addition, in commutation cases raising a claim of illness, OPA requests that the Bureau of Prisons send relevant medical information. If the case is determined to be wholly without merit, no further investigation is undertaken and the case is reported to the White House in a summary denial format.

If it is determined that further investigation is warranted, OPA refers the case to the United States Attorney's office for comment, and requests that the United States Attorney contact the sentencing judge for his or her views. OPA may also solicit the views of the Bureau of Prisons or the investigating agency, depending on the case. After all the comments are received, we make the decision about whether to recommend for or against clemency, and write the appropriate report. The recommendation goes to the Deputy Attorney General for his approval before transmittal to the White House.



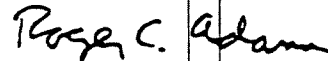
MAYORKAS-00029

The rules governing clemency applications make no mention of the substantive criteria used in the evaluation of a particular case, and historically there has been considerable reluctance to articulate the basis on which clemency may be granted. Moreover, given the personal nature of the presidential pardon power, its exercise varies from one President to another. Since the granting of clemency is entirely discretionary with the President, he may decide to do so for any reason or for no reason. There is no appeal from a clemency decision and, in modern times, the reasons for a particular decision have generally not been disclosed.

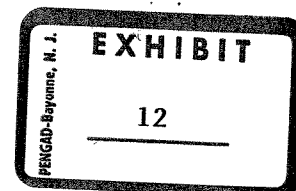
A commutation of sentence is usually recommended only in exceptional circumstances, such as unwarranted disparity or severity of sentence, the rendering of an important service to the government not taken into account at sentencing, or terminal illness. Satisfactory prison adjustment and other evidence of rehabilitation are important factors, but commutation is rarely recommended on such grounds alone. Other relevant factors are the existence and nature of a prior criminal record, the effect on the general public of extending clemency in a particular case, and the existence of an adequate release plan. Since President Clinton has been in office, he has granted clemency in only three commutation cases.

I hope this letter has been helpful. If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Roger C. Adams".

Roger C. Adams  
Pardon Attorney



CAPITOL OFFICE  
1119 LONGWORTH HOB  
WASHINGTON, DC 20515  
PHONE: (202) 225-6235  
FAX: (202) 225-2202

SUBCOMMITTEE ON TRADE



Congress of the United States  
House of Representatives  
XAVIER BECERRA  
30TH DISTRICT, CALIFORNIA

DISTRICT OFFICE  
SUNSET BLVD., #560  
LOS ANGELES, CA 90026  
PHONE: (213) 483-1425  
FAX: (213) 483-1429

November 21, 2000

Honorable William Jefferson Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

As has been brought to your attention in the past, Mr. Carlos Vignali, Jr. (#02786-112) and his family are seeking a commutation of his prison sentence. Mr. Vignali has been in custody since 1994 and is currently serving his 14 year and 7 month prison term at Nellis Federal Prison Camp in Nevada.

Mr. Vignali's parents are dear friends of mine and solid, upstanding members of the Los Angeles community. They have made it their personal crusade to clear their son's record and bring him home. They believe their son to be innocent and, in any case, feel strongly that he has paid his debt to society.

Many highly respected leaders in Los Angeles and nationwide have weighed in on behalf of Mr. Vignali, including: His Eminence Cardinal Roger Mahony, Archbishop of Los Angeles, Congressman Esteban E. Torres (retired), California State Senator Richard G. Polanco, California Assemblymember Antonio R. Villaraigosa, and Los Angeles City Councilmember Richard Alatorre. I add my voice to those recommending a full evaluation of this case to determine if justice has been achieved in the case of Mr. Vignali.

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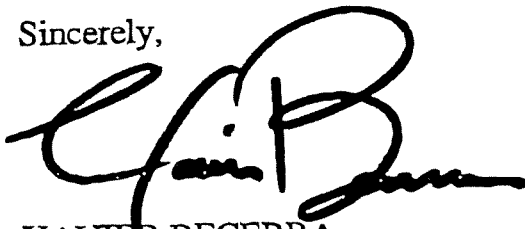


As you exercise the executive power to commute sentences, I understand that a delicate balancing act must be undertaken. In the interest of redeeming the life of a young man, I respectfully urge you to weigh a few factors in Mr. Vignali's favor. Prior to Mr. Vignali's conviction, he had no criminal record whatsoever. Although convicted of drug possession and the illegal sale of drug narcotics, his parents remain highly disturbed by a variety of factors in play at Carlos' trial and believe that when Carlos loaned money to a friend he unwittingly became connected with the convicted narcotics ring. It is my understanding that neither drugs nor drug money was found in his possession. Also, throughout Mr. Vignali's sentence, he has conducted himself as a model prisoner. If commutation is granted, Mr. Vignali would return home to a safety net of family and community members acutely interested and engaged in his successful reentry as a productive member of society.

I respectfully urge you to take a thoughtful look at this case. The Vignali family's efforts deserve your careful consideration.

Thank you for your kind attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Xavier Becerra', with a large, stylized 'B' and a long horizontal flourish at the end.

XAVIER BECERRA

Member of Congress

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DEPUTY DEMOCRATIC WHIP  
COMMITTEE ON  
APPROPRIATIONS  
SUBCOMMITTEE  
TRANSPORTATION  
FOREIGN OPERATIONS, EXPORT FINANCIAL,  
AND RELATED PROGRAMS

Congress of the United States  
House of Representatives  
Washington, DC 20515-0534

ESTEBAN E. TORRES  
34TH DISTRICT, CALIFORNIA

August 4, 1998

WASHINGTON OFFICE:  
229 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0708  
(202) 225-4708  
OFFICE: OFFICE  
2291 WHITTIER BOULEVARD  
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PICO RIVERA, CA 90660  
(323) 695-4708  
LA PUENTE, VALUADA, INDUSTRY,  
HACIENDA HEIGHTS AND SERRA  
(PHONE ONLY)  
(610) 661-2879  
MONTEBELLO, EAST LOS ANGELES  
(PHONE ONLY)  
(213) 726-1804

Honorable William Jefferson Clinton  
President of the United States of America  
The White House  
Washington, D.C. 20500

Hand Delivered

Dear Mr. President:

I respectfully request your immediate consideration of commuting the sentence of Carlos Vignali, Jr., [REDACTED] a young man who was convicted of drug possession and the illegal sale of drug narcotics. Mr. Vignali, a 27 year old with no prior criminal record, has been in custody since 1994. He is serving a 14 year and 7 month sentence at FCI Safford, Arizona.

I understand that Mr. Vignali's conviction in Minnesota Federal District Court was based on allegations that he conspired with 29 other individuals to distribute and sell narcotics. Neither drugs nor drug money was found in Carlos's possession. Carlos had simply loaned money to a friend, who happened to be involved in the sale of narcotics. At trial, the evidence offered against Carlos was misinterpreted telephone recordings between Carlos and his friend and the testimony of another alleged co-conspirator, who had negotiated a reduced sentence in exchange for his testimony.

Within the next two weeks, Carlos will file a Petition for Commutation of Sentence requesting his sentence be reduced to time served. I would appreciate your careful review and immediate consideration of approval of his petition.

Knowing Carlos, upon his release from custody, I am confident that he again will become a productive member of our society. Thank you for your kind attention to this important matter.

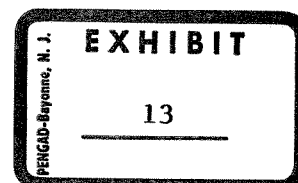
Sincerely,



ESTEBAN E. TORRES  
Member of Congress

REPRESENTING: BARRETT, EAST LOS ANGELES, HACIENDA HEIGHTS, INDUSTRY, LA PUENTE, LOS METROS, MONTEBELLO,  
NORWALK, PICO RIVERA, ROSEMead, SOUTH SAN GABRIEL, SANTA FE SPRINGS, VALINOA AND WHITTIER

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MAYORKAS-0001

H. Carlos Vignali

**VIA FEDERAL EXPRESS**

9 December 2000

Hugh Rodham, Esq.  
**RODHAM & FINE, P.A.**  
633 Southeast 3<sup>rd</sup> Avenue, Suite 4R  
Fort Lauderdale, Florida 33301

**RE: TESTIMONIAL LETTERS FOR CARLOS A. VIGNALI, JR.**

Dear Hugh,

Pursuant to your conversation with Jaime Casso, I am enclosing the testimonial letters I have been able to secure as of today. These letters are from some of the most respected individuals in the State of California. They include the following:

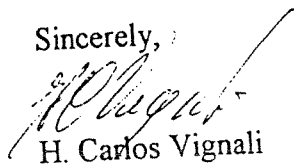
- Second most powerful elected official in California,  
**Speaker of the Assembly Robert M. Hertzberg**
- Senate Majority Leader and Chair of the Latino Legislative Caucus  
**Senator Richard Polanco**
- Prominent and long time Los Angeles City Councilmember  
**Councilman Mike Hernandez**

In addition to his previous letter, Congressman Xavier Becerra is willing to make any telephone calls you deem appropriate, i.e., White House staff and/or Justice Department.

I am also in the process of obtaining testimonials from Cardinal Roger Mahoney and Los Angeles County Sheriff Leroy D. Baca. As soon as these letters are received, they will be sent to you immediately.

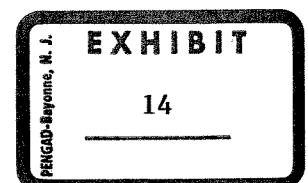
Your support and help for my son is greatly appreciated and will never be forgotten. If you have any questions and/or comments, please call me any time.

Sincerely,

  
H. Carlos Vignali

HCV/lv

c: James M. Casso, Esq.





**ROBERT M. HERTZBERG**

SPEAKER OF THE ASSEMBLY

December 8, 2000

Honorable William Jefferson Clinton  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I respectfully request your approval of commuting the sentence of Carlos Vignali, Jr., (#02786-112), a native Californian, who was convicted of drug possession and the illegal sale of narcotics in Minnesota Federal District Court. Although Mr. Vignali was convicted, neither guns, drugs, nor drug money was found in Mr. Vignali's possession. Mr. Vignali, a 29 year old and father of a young son, has been in custody since 1994. Currently, he is serving a 14 year 7 month, sentence at FPC Nellis, Nevada.

Throughout his incarceration, Mr. Vignali has been a model prisoner. When he received his General Educational Development Program Diploma (GED) in 1996 while at FCI Florence, Colorado GED, he was honored as the student of the year. He has a "zero" Security Point Level and has maintained a clear record of "no" Incident Reports. Because of his exemplary conduct and behavior, two years ago when Mr. Vignali was transferred to FPC Nellis from FCI Safford, Arizona, the Bureau of Prisons placed him, without a security escort, on a Greyhound bus destined for Las Vegas, Nevada. Mr. Vignali, without a problem, arrived at FPC Nellis at the appointed time. In short, the Bureau of Prisons entrusted him to arrive at FPC Nellis on his own, and he fully complied.

In 1998, Mr. Vignali filed a Petition for Commutation of Sentence requesting his sentence be reduced to time served. Your immediate approval of his petition is greatly appreciated. It is time to return Carlos Vignali to his family and again, become a productive member of society.

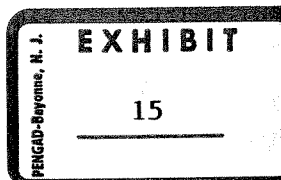
Thank you for your kind attention to this matter and for your commendable services as our President over the past eight years.

Very Truly Yours,

A handwritten signature in black ink, appearing to be "R. M. Hertzberg", written over the typed name.

Robert M. Hertzberg

RMH:cd





# California State Senate

## Senate Majority Leader

SENATOR RICHARD G. POLANCO

TWENTY-SECOND SENATORIAL DISTRICT

MEMBER

BUDGET AND FISCAL REVIEW

BUSINESS AND PROFESSIONS  
COMMITTEE

ELECTIONS AND  
REAPPORTIONMENT

FINANCE INVESTMENT AND  
INTERNATIONAL TRADE

HEALTH AND HUMAN SERVICES

LOCAL GOVERNMENT

PUBLIC SAFETY

TRANSPORTATION

December 6, 2000

The Honorable William Jefferson Clinton  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington DC 20050

RE: **CARLOS A. VIGNALI Jr - ID No. 02786-112 – Commutation of sentence**

Dear President Clinton:

I am writing to you on behalf of the 23-member California Latino Legislative Caucus regarding the case of Mr. Carlos A. Vignali Jr. Mr. Vignali was convicted for drug possession and the illegal sale of narcotics in Minnesota Federal District Court.

The Caucus respectfully requests you commute Mr. Vignali's sentence and that he be released immediately.

We believe that Mr. Vignali was convicted despite the fact that the criminal investigation did not reveal any guns, drugs, or illegal money in Mr. Vignali's possession. Mr. Vignali was a 22-year-old investor and did not have any contacts demonstrating his involvement in the sale or purchase of drugs.

Mr. Vignali's character is evident in his behavior since conviction. He has been a model prisoner, without any Incident Reports or Security Points. He has completed the General Education Development Program and received the GED Diploma at the FCI Florence, Colorado facility. He is considered a model prisoner in the federal correctional system.

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EXHIBIT

16

Given the facts of the case and Mr. Vignali's conduct during incarceration, the Caucus has investigated the impact of Mr. Vignali's release. We are convinced that Mr. Vignali will return to his family in southern California. Mr. Vignali's family is a loving, embracing family and is committed to supporting him. Mr. Vignali gives every indication that with his family's support, he will become a productive, contributing member of society.

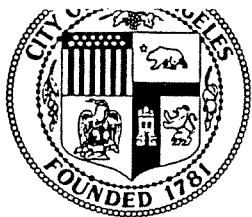
Mr. President, your power to grant clemency to Mr. Vignali will be an appropriate and humane decision. Mr. Vignali has demonstrated his remorse, his model conduct in prison demonstrates his commitment to becoming a productive member of society, and his family has convinced us of its commitment to assisting Mr. Vignali become a contributing member of society. We appeal to you to exercise your power and commute Mr. Vignali's sentence.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Richard Polanco". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

RICHARD G. POLANCO  
Senate Majority Leader, and  
Chair, Latino Legislative Caucus  
RGP: sma



COUNCILMEMBER  
**MIKE HERNANDEZ**  
First Council District

200 No. Main St.  
City Hall East, Room 413  
Los Angeles, CA 90012  
(213) 485-3451 Phone  
(213) 485-8907 Fax

District Office  
163 S. Ave. 24  
Room 202  
Los Angeles, CA 90031  
(213) 485-0763 Phone  
(213) 485-8908 Fax

December 4, 2000

Honorable William Jefferson Clinton  
President of the United States  
The White House Washington, D.C. 20500

Mr. President:

This letter is written in hopes that you would strongly consider commuting the sentence of Carlos A. Vignali Jr. (#02786-112), a native Californian who was convicted of drug possession and the illegal sale of narcotics in Minnesota Federal Court. Although convicted, you will hopefully note, that no evidence was presented that Mr. Vignali had any involvement with illegal narcotics prior to the last three months leading up to his arrest.

Incarcerated since 1994, Mr. Vignali, now age 29 with a young son awaiting his father's return, has no doubt learned his lesson and has willfully accepted responsibility for his actions. This is apparent in the fact that since his incarceration Mr. Vignali has remained a model prisoner. Indeed, he has obtained his GED while incarcerated and did, in fact, earn Student of the Year honors in 1996 for his efforts. Moreover, he has maintained clear conduct throughout his incarceration with absolutely no incident reports. In spite of his conviction, Mr. Vignali has remained hopeful to one day return to society as a contributing member, and has conducted himself accordingly.

Today, Mr. Vignali remains most fortunate in that throughout his ordeal, he has not lost the care of his loving family who anxiously await his return. Upon his anticipated release, you can be most assured that Mr. Vignali will continue to have this unmitigated support as he would be returning to work in the family business, a business that has been a mainstay in the local community for more than 30 years.

It is my sincerest hope that you will appreciate this appeal on behalf of Mr. Carlos A. Vignali Jr. - a young man who once erred and who today would greatly appreciate a second chance to rejoin his loved ones as a resident of our great City, Los Angeles.

Sincerely,

MIKE HERNANDEZ, Councilmember  
First District

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PHOTOCOPY

EXHIBIT

17

RODHAM & FINE, P.A.  
[REDACTED]  
[REDACTED]  
[REDACTED]

FAX COVER SHEET

DATE: DECEMBER 21, 2000

TO: DAWN  
% BRUCE LINDSEY

FROM: HUGH RODHAM

FAX NO: [REDACTED]

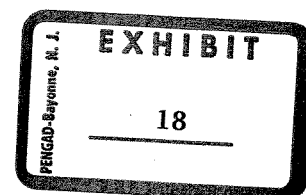
RE: CARLOS VIGNALI, JR.

DAWN,

ENCLOSED PLEASE FIND A COPY OF THE LETTER WE DISCUSSED.

WE ARE TRANSMITTING 2 PAGE(S) INCLUDING THIS COVER PAGE. IF THERE ARE ANY DIFFICULTIES, PLEASE CONTACT RODHAM & FINE, P.A., AT [REDACTED]

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**BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES**

154 SOUTH MAIN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012 / (213) 874-6111

**GLORIA MOLINA**  
SUPERVISOR, FIRST DISTRICT

December 20, 2000

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PHOTOCOPY

The Honorable William J. Clinton  
President of the United States  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Clinton:

I respectfully request your serious consideration for the commutation of the sentence of Carlos Vignali, Jr. (Case No. 02788-112). While I usually do not write letters in support of individuals I do not know personally, I am making this request because I do know Mr. Vignali's family and have reviewed his case carefully. What I have learned is that Mr. Vignali is a young man who made a mistake in his life and is immensely remorseful and has demonstrated a genuine interest to re-join the community.

While a native of California, Mr. Vignali was convicted of drug possession and illegal sale of narcotics in the Minnesota Federal District Court. Currently, he is serving a 14 year, 7 month sentence at FPC Nellis, Nevada.

According to a December 9, 2000 United States Department of Justice Federal Bureau of Prisons' Progress Report, Mr. Vignali has had, "outstanding institutional adjustment to date and has maintained clear conduct as well as outstanding work evaluations." The report further states that Mr. Vignali has worked very hard to improve himself by completing his General Educational Development Program. As a worker, the report describes Mr. Vignali as an "outstanding worker who does superior work and needs little or no supervision. His detail supervisors indicate that he handles himself in a professional manner and is a dedicated individual who takes initiative in everything he does." The report describes a young man ready and able to return as a productive member of our society.

Mr. Vignali comes from a loving and caring family who is ready to help his transition back to society. Thank you for your careful consideration of this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gloria Molina".  
GLORIA MOLINA  
Supervisor, First District

GM/MS/jp

TOTAL P. 02



Archdiocese of Los Angeles

Office of  
the Archbishop  
(213) 637-7288

3424  
Wilshire  
Boulevard

Los Angeles  
California  
90010-2241

December 11, 2000

The Honorable William J. Clinton  
President of the United States  
Washington, D.C. 20500

Re: Carlos Vignali, Jr.

Dear President Clinton:

I am writing to support the request to commute the sentence of Carlos Vignali, Jr. (02786-112). While I do not personally know Carlos Vignali, Jr., I know his family and his family's friends who have shared with me the details of his arrest, trial, and conviction.

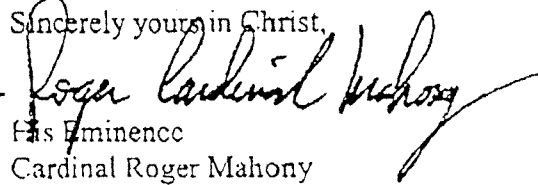
Mr. Vignali's was convicted of drug possession and the illegal sale of narcotics in the Minnesota Federal District Court. However, prior to his conviction, he had no criminal record or arrests. Mr. Vignali's family remains highly disturbed by a number of factors which influenced his trial and believe that when Carlos, Jr. loaned money to a friend, he unwittingly became connected with a narcotics ring. It is my understanding that neither drugs nor drug money was found in Carlos Vignali, Jr.'s possession. Notwithstanding these mitigating factors, he was sentenced to fourteen years and seven months in federal prison.

Throughout his incarceration, Carlos Vignali, Jr. has been a model prisoner, received his General Equivalency Diploma ("GED"), and was honored as "Student Of The Year". He has a "zero" Security Point Level and has maintained a clear record with no Incident Reports.

The granting of clemency to Carlos Vignali, Jr. is worthy of your consideration. His relatives, a very respected, active and well-known Latino family, are committed to assist Carlos, Jr. to again become a contributing member of society.

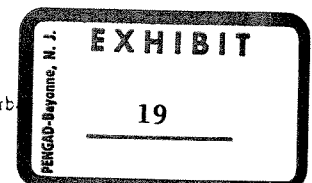
Thanking you for your review and consideration, and with every best wish, I am

Sincerely yours in Christ,

+   
His Eminence  
Cardinal Roger Mahony  
Archbishop of Los Angeles

cb

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SHERMAN BLOCK, SHERIFF

County of Los Angeles  
Sheriff's Department Headquarters  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169  
(213) 526-5100



November 1, 1996

Ms. Joan L. White  
U.S. Probation Officer  
600 Federal Courts Building  
316 North Robert Street  
St. Paul, Minnesota 55101-1423

Dear Ms. White:

**RE: Inmate Carlos A. Vignali #02786-112**

Mr. Carlos C. Vignali, the father of inmate Carlos A. Vignali, contacted me indicating that he hopes that his son can be transferred to a Federal Correctional Institution in the State of California, preferably in Lompoc.

Mr. Vignali, a highly respected businessman, cooperated with the initial investigation that enabled Sheriff's Department investigators to arrest his son for the offenses he was convicted of. This level of cooperation is rare and it reflects very highly on Mr. Vignali's integrity. That is why I am writing this letter.

Mr. Vignali and his family believe that their son, a first-time offender, would benefit significantly with more visitation on their part. Moreover, Mr. Vignali's father is unable to travel lengthy distances.

Mr. Vignali recognizes that the priorities and policies of the Federal Corrections Department are important and must be followed. Within these guidelines, your assistance to Mr. Vignali's request will help the Vignali family remain close to one another and should help inmate Vignali lead a crime-free life once he is released from custody.

The Vignali family are very fearful of the inmate population peer influence on their son and believe that frequent visits to him will enable them to better monitor his progress in

*A Tradition of Service*

Ms. Joan L. White

- 2 -

November 1, 1996

serving his debt to society. Moreover, the Vignali family has been severely traumatized by their son's offenses and conviction. The move closer to them will ensure their family strength and assist in their healing.

Thank you for your consideration of Mr. Vignali's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Leroy D. Baca". The signature is fluid and cursive, with the first name "Leroy" being more prominent than the last name "Baca".

LEROY D. BACA, CHIEF  
FIELD OPERATIONS REGION II

TOTAL P.03

MAYORKAS-00015